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NOTICE OF ALLOWANCE AND FEE(S) DUE

33717 7590 05/18/2009

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

EXAMINER

CADUGAN, ERICA E

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 05/18/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,024

02/25/2004

Feng Zhou Fang

58091-011700

7140

TITLE OF INVENTION: MACHINING METHOD FOR MICRO ABRADERS AND MICRO ABRADERS PRODUCED THEREBY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	08/18/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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33717 7590 05/18/2009

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,024 02/25/2004 Feng Zhou Fang 58091-011700 7140

TITLE OF INVENTION: MACHINING METHOD FOR MICRO ABRADERS AND MICRO ABRADERS PRODUCED THEREBY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional YES \$755 \$300 \$0 \$1055 08/18/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
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CADUGAN, ERICA E 3726 409-132000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

CADUGAN, ERICA E

ART UNIT

PAPER NUMBER

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DATE MAILED: 05/18/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1058 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1058 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/789,024	FANG, FENG ZHOU	
	Examiner	Art Unit	
	Erica E. Cadugan	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to election filed 2/13/2009 and interview of 5/6/09.
2. ☒ The allowed claim(s) is/are 1-18 and 20-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>2/25/2004</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>Sheet showing drawing changes.</u> |
|--|--|

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Wu on May 6, 2009.

The application has been amended as follows:

On page 4, after line 5 and before the heading "Detailed Description of the Preferred Embodiment", the following has been added:

Figure 6 is a schematic illustration of microabraders of various shapes.

1 (Currently Amended). A method for manufacturing microabraders by machining a surface of a workpiece, each of the microabraders having a plurality of sides, for each of the microabraders the method comprising:

(a) making a plurality of cuts into the surface, the plurality of cuts being in a required sequence around the plurality of sides to form a microabrader of a required shape;

(b) the plurality of cuts being of progressively reducing depth of cut such that a final cut is of a smallest depth of cut of all the cuts.

2 (Currently Amended). A method as claimed in claim 1, wherein a first cut is for a first side of a microabrader and is of a first depth of cut.

3 (Currently Amended). A method as claimed in claim [1] 2, wherein a second cut is for a second side of the microabrader and is of a second depth of cut.

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4 (Currently Amended). A method as claimed in claim 3, wherein the second [depth] cut is on an opposite side of the microabrader than the [same as the] first [depth] cut.

5 (Currently Amended). A method as claimed in claim [3] 7, wherein the third [second depth] cut is [different] transverse to the first [depth] cut.

6 (Original). A method as claimed in claim 3, wherein the second side is opposite the first side.

7 (Currently Amended). A method as claimed in claim 3, wherein a third cut is for a third side of the microabrader and is of a third depth of cut.

8 (Currently Amended). A method as claimed in claim 7, wherein the third depth of cut is less than the first depth of cut and the second depth of cut.

9 (Currently Amended). A method as claimed in claim 7, wherein the third [depth] cut is [the same as the first depth and] transverse to the second [depth] cut.

10 (Currently Amended). A method as claimed in claim 7, wherein a fourth cut is for a fourth side of the microabrader and is of a fourth depth of cut.

11 (Currently Amended). A method as claimed in claim 10, wherein the fourth depth of cut is less than the third depth of cut.

12 (Currently Amended). A method as claimed in claim 10, wherein the fourth [depth] cut is [the same as] on an opposite side of the microabrader than the third [depth] cut.

13 (Original). A method as claimed in claim 1, wherein the required sequence is determined by one or more selected from the group consisting of: material of the workpiece, a required aspect ratio of the microabrader, and the required shape of the microabraders.

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14 (Original). A method as claimed in claim 1, wherein the required shape is selected from the group consisting of: polygonal, triangular, rectangular, square, pentagonal, hexagonal, heptagonal and octagonal.

15 (Original). A method as claimed in claim 1, wherein the workpiece is rotated between cuts by a required angle to form the required shape.

16 (Currently Amended). A method as claimed in claim 1, wherein the workpiece is made of brass [each of the plurality of cuts comprises a plurality of partial cuts, each of the plurality of partial cuts being of progressively reduced depth until the cut is completed].

17 (Currently Amended). A method as claimed in claim 1, wherein the workpiece is made of aluminum [each of the plurality of cuts comprises a plurality of partial cuts, each of the plurality of partial cuts being of the same depth until the cut is completed].

18 (Currently Amended). A method as claimed in claim 1, wherein the plurality of cuts, the required sequence and the progressively reducing depths of cut are selected to provide material of the workpiece to support the microabrader until machining is completed.

Non-elected claim 19 has been canceled.

20 (Currently Amended). A method for manufacturing microabraders by machining a surface of a workpiece, each of the microabraders [to] having a plurality of sides, for each of the microabraders the method comprising:

[(d)] (a) making a plurality of cuts into the surface, the plurality of cuts being in a desired sequence around the plurality of sides to form a microabrader of a required shape;

[(e)] (b) the plurality of cuts being of progressively reducing depth of cut;

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[(f)] (c) the plurality of cuts, the required sequence and the progressively reducing depth of cut being selected to provide material of the workpiece to support the microabrader until machining is completed.

21 (Original). A method as claimed in claim 20, wherein the workpiece is rotated between cuts by a required angle to form the required shape.

22 (Original). A method as claimed in claim 20, wherein the required sequence is determined by one or more selected from the group consisting of: material of the workpiece, a required aspect ratio of the microabrader, and the required shape of the microabraders.

23 (Original). A method as claimed in claim 20, wherein the sequence is determined by one or more selected from the group consisting of: material of the workpiece, a required aspect ratio of the microabrader, and the required shape of the microabraders.

Non-elected claim 24 has been canceled.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In Figure 3, “t_a” has been changed to --t₁--, “t_b” has been changed to --t₂--, and “t_c” has been changed to --t₃-- to correlate with the specification (page 5, lines 15-24); a new Figure 6 has been added, which new Figure 6 consists of a box containing the text “Microabrader of polygonal, triangular, square, pentagonal, hexagonal, heptagonal, or octagonal shape”.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner’s statement of reasons for allowance:

EP 1086719 teaches a method for making microabraders 14 by machining a surface of a workpiece (the workpiece including portion 12, see Figure 1, see also Figure 3 and paragraph

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0038, for example) with a diamond tipped mill to perform cutting (see paragraph 0041).

Inherently, in order to achieve the protrusion of microabraders 14 from the base or support 12 in the configuration shown in at least Figures 2A and 3 by machining with a diamond tipped mill as described in paragraph 0041, a plurality of cuts in a sequence around the plurality of sides of the microabrader 14 must occur, or the shape shown in Figures 2A and 3 would not occur.

However, EP '719 does not teach that such a plurality of cuts that are "in a required sequence around the plurality of sides" of the microabrader 14 are "of progressively reducing depth of cut such that a final cut is of a smallest depth of cut of all the cuts" as set forth in independent claim 1, nor does EP '719 teach that the plurality of cuts that are "in a desired sequence around the plurality of sides" of the microabrader are of "progressively reducing depth of cut" as set forth in independent claim 20, nor that "the plurality of cuts, the required sequence and the progressively reducing depth of cut being selected to provide material of the workpiece to support the microabrader until machining is completed" as set forth in independent claim 20.

It is further noted that Applicant has ascribed criticality to this feature in at least page 5, lines 15-27 of the specification, for example.

Also, there is no combinable teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of EP '719, and thus, EP '719 does not render obvious the present invention as set forth in independent claims 1 and 20.

Similarly, U.S. Patent Application Publication No. 2005/0171480 to Mukerjee et al. (which is available as prior art under 35 USC 102(e) based on the filing date of the parent provisional of the '480 publication, which does provide support for the dicing saw feature to be

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described) teaches a method of forming microneedle (considered “microabrader”) columns in a workpiece (see Figure 11D and also at least paragraphs 0124-0127) involving the steps of making a plurality of cuts using a dicing saw (paragraphs 0130-0131), for example.

However, Mukerjee does not teach that such a plurality of cuts that are “in a required sequence around the plurality of sides” of the microabrader 14 are “of progressively reducing depth of cut such that a final cut is of a smallest depth of cut of all the cuts” as set forth in independent claim 1, nor does Mukerjee teach that the plurality of cuts that are “in a desired sequence around the plurality of sides” of the microabrader are of “progressively reducing depth of cut” as set forth in independent claim 20, nor that “the plurality of cuts, the required sequence and the progressively reducing depth of cut being selected to provide material of the workpiece to support the microabrader until machining is completed” as set forth in independent claim 20.

It is again noted that Applicant has ascribed criticality to this feature in at least page 5, lines 15-27 of the specification, for example.

Also, there is no combinable teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Mukerjee, and thus, Mukerjee does not render obvious the present invention as set forth in independent claims 1 and 20.

The aforescribed prior art being representative of the closest prior art of record, for at least the foregoing reasoning, the prior art of record neither anticipates nor renders obvious the present invention as set forth in independent claims 1 and 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Oath/Declaration

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be "material to patentability as defined in 37 CFR 1.56."

It is noted that the declaration filed February 25, 2004 instead states that "[I] acknowledge the duty to disclose information which is material to the **examination** of this application in accordance with **37 CFR 1.56(a)**", i.e., the duty to disclose statement refers to information material to "examination" rather than to "patentability", and also refers to "37 CFR 1.56(a)" rather than to "37 CFR 1.56".

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474.

The examiner can normally be reached on Monday-Thursday, 5:30 a.m. to 4:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erica E Cadugan/
Primary Examiner
Art Unit 3726

eec
May 6, 2009